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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Shoji YUYAMA et al. : **Mail Stop: PCT**
Serial No. 10/587,203 : Attorney Docket No. 2006_1197A
Filed July 25, 2006 :

MEDICINE STORAGE AND TAKE-OUT APPARATUS
[Corresponding to PCT/JP2005/000573
Filed January 19, 2005]

**SUBMISSION OF ENGLISH VERSIONS OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY AND WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for consideration by the Examiner are:

- 1) An English version of the International Preliminary Report on Patentability; and
- 2) An English version of the Written Opinion of the International Searching

Authority.

Respectfully submitted,

Shoji YUYAMA et al.

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October 17, 2006



From the INTERNATIONAL BUREAU

10/K
5799**PCT**

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

KAWAMIYA, Osamu
AOYAMA & PARTNERS, IMP Building
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Osaka 5400001
JAPON

Date of mailing (day/month/year)

31 August 2006 (31.08.2006)

Applicant's or agent's file reference
664952**IMPORTANT NOTIFICATION**International application No.
PCT/JP2005/000573International filing date (day/month/year)
19 January 2005 (19.01.2005)

Applicant

YUYAMA MFG. CO., LTD. et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 664952	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/000573	International filing date (<i>day/month/year</i>) 19 January 2005 (19.01.2005)	Priority date (<i>day/month/year</i>) 30 January 2004 (30.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant YUYAMA MFG. CO., LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 22 August 2006 (22.08.2006)</p> <p>Authorized officer Masashi Honda</p> <p>e-mail: pt08@wipo.int</p>
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

664952

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/000573

International filing date (day/month/year)

19.01.2005

Priority date (day/month/year)

30.01.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

YUYAMA MFG. CO., LTD.

1. This opinion contains indications relating to the following items:



Box No. I

Basis of the opinion



Box No. II

Priority



Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV

Lack of unity of invention



Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI

Certain documents cited



Box No. VII

Certain defects in the international application



Box No. VIII

Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000573

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐

In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/000573

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-8 YES

Claims NO

Inventive step (IS)

Claims 6, 7 YES

Claims 1-5, 8 NO

Industrial applicability (IA)

Claims 1-8 YES

Claims NO

2. Citations and explanations:

Document 1: JP, 52-2679, A (Morinaga & Co., Ltd.), 10 January, 1977 (10.01.77) (Family: none)

Document 2: JP, 44-6877, B (Hayashida Kikai Kogyo Kabushiki Kaisha), 26 March, 1969 (26.03.69) (Family: none)

Document 3: JP, 58-2116, A (Daido Kogyo Kabushiki Kaisha), 7 January, 1983 (07.01.83) (Family: none)

Document 4: JP, 2001-332893, A (NTN Corp.), 30 November, 2001 (30.11.01) (Family: none)

Claims 1-3

Document 1 cited in the ISR is recognized to describe a medicine storage and take-out apparatus composed of;

(1) a cap supplying part in which a plurality of caps for closing the opening of the medicine container are stored,

(2) a cap container in which at least one slit is formed in the bottom face and

(3) a cap agitating member having, on a rotating shaft, at least one agitating part projected to the inside of the cap container through the said slit and drivingly rotated to agitate the caps by the agitating part.

Document 2 cited in the ISR is recognized to describe an invention having a cap passage a clearance communicating with the container storing caps to be supplied and allowing only one cap to pass there through and arranging the passed caps in one row by tilting downward. So, a person skilled in the art could have easily applied the invention described in document 2 to the invention described in document 1 so as to construct such as the subject matter of claim 1.

Therefore, the subject matters of claims 1-3 do not appear to involve an inventive step.

Claims 4 and 5

In addition to the description in "Claims 1-3," document 3 cited in the ISR is recognized to describe that a projection part is provided spirally on the outer periphery of the rotating shaft. Then the agitating part for agitating articles in the container can thereby be drivingly rotated to enable the articles to move from one end toward the other end. It also describes that an article passage is placed on the other end side of the said rotating shaft. So, in order to agitate the articles in the container storing articles to be supplied, a person skilled in the art could have easily added the art described in document 3 to construct such as the subject matter of claim 4.

Therefore, the subject matters of claims 4 and 5 do not appear to involve an inventive step.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000573

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Claims 6 and 7

The subject matters of claims 6 and 7 are neither described in any of the documents cited in the ISR nor obvious to a person skilled in the art.

Claim 8

In addition to the descriptions in "Claims 1-3," "Claims 4 and 5" and "Claims 6 and 7," document 4 cited in the ISR is recognized to describe as follows;

- (1) the article passage constitutes a first passage positioned on the upstream of the article-direction converting part and a second passage positioned on the downstream of the article-direction converting part and crossed at right angle with the first passage above-mentioned;
- (2) the article-direction converting part is driven in a rotary direction and is equipped with a guide passage for storing articles moving through the first passage in a tilting state through a first opening part on one end side and a guide plate for preventing the article from dropping out of a second opening on the other end side of the guide passage; and
- (3) when rotating the article-direction converting part to make the second opening of the guide passage diagonally downward, the guide plate operates to make the second opening communicate with the second passage so as to enable the articles to move.

So, a person skilled in the art could have easily added the art described in document 4 so as to construct such as the subject matter of claim 8.

Therefore, the subject matter of claim 8 does not appear to involve an inventive step.